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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,723	02/04/2004	Gerhard Gumpoltsberger	ZAHFRI P601US	4125
20210	7590	07/17/2006	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. 112 PLEASANT STREET CONCORD, NH 03301			PANG, ROGER L	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/771,723	GUMPOLTSBERGER, GERHARD	
	<b>Examiner</b>	<b>Art Unit</b>	
	Roger L. Pang	3681	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-38, 40-43 and 45-59 is/are pending in the application.
- 4a) Of the above claim(s) 40, 48 and 58 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34, 35, 37, 41-47, 49-57 and 59 is/are allowed.
- 6) ☒ Claim(s) 36 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2-10-06</u>   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

The following action is in response to the amendment filed for application 10/771,723 on May 30, 2006.

#### ***Drawings***

The drawings were received on May 20, 2006. These drawings are approved.

#### ***Election/Restrictions***

Claims 40, 48, and 58 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 28, 2005.

Applicant argues that the election was improper due to the generic claim being allowable. Since this has not been proven, and applicant discloses and claims 2 distinct species, the election is deemed proper, and applicant's arguments are not persuasive.

This application contains claims 40, 48, and 59 drawn to an invention nonelected with traverse in Paper No. 11-28-05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ansgar '318 in view of Heinzl '407. With regard to claim 36, Ansgar teaches a dual-clutch transmission having at least six gears, the dual-clutch transmission comprising: first and second clutches K1, K2, and input side connected with a drive shaft 2 of a prime mover and an output side thereof connected with one of a hollow input shaft E2 and a solid input shaft E1 disposed coaxially to each other; first and second countershafts 7/8 upon which are rotatably supported idler wheels (Fig. 1); fixed gear wheels non-rotatably situated upon said hollow and solid input shafts which are in tooth contact with said idler wheels (Fig. 1); coupling devices 6a-d non-rotatably and axially movably supported upon said first and second countershafts and movable by setting devices, and output gear wheels T1/T2, which are in meshing contact with an output toothing AG, are respectively fastened on said first and second countershafts (Fig. 1); wherein a first and second fixed wheels are situated upon the hollow input shaft and at least one other fixed wheel is situated upon the solid input shaft for respectively driving at least two idler wheels (Fig. 1); and said idler and fixed wheels of a highest gear G6 and of a third highest gear G4 are driven by an input shaft E2 other than that of said idler and fixed wheels of a second highest gear G5 and of a fourth highest gear G3. Ansgar lacks the teaching of said output toothing being part of a differential. Heinzl

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teaches of a transmission with output gears 94/102 located on countershafts 16/18, and are in meshing contact with an output toothing 96 located on a differential 20. It would have been obvious to modify Ansgar to employ a differential in view of Heinzl in order to allow the wheels to turn at different rates. With regard to claim 38, Ansgar teaches a dual-clutch transmission having at least six gears, the dual-clutch transmission comprising: first and second clutches K1, K2, and input side connected with a drive shaft 2 of a prime mover and an output side thereof connected with one of a hollow input shaft E2 and a solid input shaft E1 disposed coaxially to each other; first and second countershafts 7/8 upon which are rotatably supported idler wheels (Fig. 1); fixed gear wheels non-rotatably situated upon said hollow and solid input shafts which are in tooth contact with said idler wheels (Fig. 1); coupling devices 6a-d non-rotatably and axially movably supported upon said first and second countershafts and movable by setting devices, and output gear wheels T1/T2, which are in meshing contact with an output toothing AG, are respectively fastened on said first and second countershafts (Fig. 1); wherein a first and second fixed wheels are situated upon the hollow input shaft and at least one other fixed wheel is situated upon the solid input shaft for respectively driving at least two idler wheels (Fig. 1); and an idler wheel for a second gear G2 and an idler wheel for a reverse gear R2 are situated upon said first and second countershafts and are driven by a common fixed wheel (Fig. 1).

Ansgar lacks the teaching of said output toothing being part of a differential. Heinzl teaches of a transmission with output gears 94/102 located on countershafts 16/18, and are in meshing contact with an output toothing 96 located on a differential 20. It would have been obvious to modify Ansgar to employ a differential in view of Heinzl in order to allow the wheels to turn at different rates.

***Allowable Subject Matter***

Claims 34-35, 37, 41-47, 49-57, and 59 are allowed.

It is suggested that applicant place claim 36 and 38 back to their original forms (with the corrections for 35 USC 112 second paragraph problems) and make them depend upon claim 34.

***Conclusion***

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on February 10, 2006, prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

#### FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. The central facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on \_\_\_\_\_ (Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_  
\_\_\_\_\_

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L. Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Roger L. Pang', with a stylized flourish at the end.

Roger L Pang  
Primary Examiner  
Art Unit 3681

July 11, 2006